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Attorney Docket No.: 10351.200-US

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Yaver et al.

Confirmation No: 8797

Serial No.: 10/716,793

Group Art Unit: 1653

Filed: November 18, 2003

Examiner: To be assigned

For: Promoter Variants For Expressing Genes In A Fungal Cell

RESPONSE TO NOTICE TO COMPLY WITH SEQUENCE REQUIREMENTS

Mail Stop Sequence (Michele K. Joike AU 1636)
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is in response to the Notice to Comply with Sequence Requirements dated **January 13, 2006**.

Applicants therefore enclose a computer readable form of the Sequence Listing and paper copy. The content of the paper copy and of the enclosed computer readable form is the same. This submission contains no new matter.

Applicants request that the new Sequence Listing be entered into the specification in place of the old Sequence Listing.

The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

Date: February 13, 2006

Robert L. Starnes, Reg. No. 41,324
Novozymes, Inc.
1445 Drew Avenue
Davis, CA 95616
(530) 757-8100



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CERTIFICATE OF MAILING UNDER 37 CFR 1.8(a)

Mail Stop Sequence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached correspondence comprising:

1. Response to Notice Comply with Sequence Rules
2. Amendment
3. Sequence Listing
4. Disk Containing Sequence Listing
5. Copy of Notice to Comply with Sequence Rules

is being deposited with the United States Postal Service as first class mail in an envelope addressed to the address indicated above on February 13, 2006.

Selesté Buriani

(name of person mailing paper)

Selesté Buriani

(signature of person mailing paper)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,793	11/18/2003	Debbie Yaver	10351.200-US	8797
25907	7590	01/13/2006		
NOVOZYMES, INC. 1445 DREW AVE DAVIS, CA 95616				
EXAMINER JOIKE, MICHELE K				
ART UNIT 1636				
PAPER NUMBER				

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED	
✓	SEBU DATE 1/19
✓	RLS DATE 1/31/06

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JAN 17 2006

E.B. PATENTS

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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20060105

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

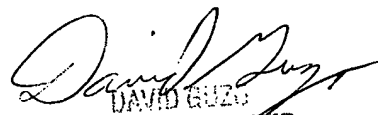
This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 CFR 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 CFR 1.821 through 1.825 for the reason(s) set forth below or on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures.

Page 41, line 27, of the Specification and claims 10 and 62 have nucleotide sequences that are greater than ten nucleotides, but have no sequence identifier. These sequences are also not listed in the Sequence Listing.

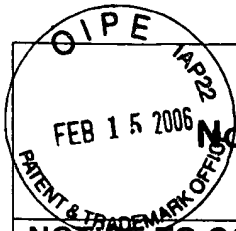
Applicant is given ONE MONTH, or THIRTY DAYS, whichever is longer, from the mailing date of this letter within which to comply with the sequence rules, 37 CFR 1.821 - 1.825.

Failure to comply with these requirements will result in ABANDONMENT of the application under 37 CFR 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). In no case may an applicant extend the period for reply beyond the SIX MONTH statutory period.

Direct the reply to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the reply.


DAVID GUZO
PRIMARY EXAMINER

Michele K. Joike, Ph.D.
AU 1636



Notice to Comply

Application No.

10/716,793

Examiner

Michele K. Joike, Ph.D.

Applicant(s)

Yaver et al

Art Unit

1636

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: Sequences are listed with no sequence identifier.

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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